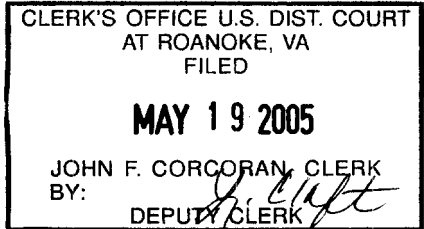


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION



DANIEL T. SMITH,

Plaintiff

v.

JO ANNE B. BARNHART, Commissioner
of Social Security,

Defendant

Civil Action No. 7:03CV00335

ORDER

By: Hon. Glen E. Conrad
United States District Judge

This case is now before the court for the consideration of the petition of plaintiff's attorney for approval and authorization of a fee for said attorney's services in the litigation of the case before this court. The case involved plaintiff's appeal of the final decision of the Commissioner of Social Security denying plaintiff's claims for disability insurance benefits and supplemental security income benefits under the Social Security Act, as amended, 42 U.S.C. §§ 416(i) and 423, and 42 U.S.C. § 1381 et seq., respectively. This court's authority for the approval of attorney's fees is set forth pursuant to § 206(b)(1) of the Social Security Act, 42 U.S.C. § 406(b)(1), as amended. Under 42 U.S.C. § 406(b)(1), the court is authorized to allow a reasonable fee, not to exceed 25 percent of the past due benefits.

By memorandum opinion and order entered March 15, 2004, the court remanded this case to the Commissioner of Social Security for further consideration of plaintiff's claims for disability insurance benefits and supplemental security income benefits. Plaintiff has advised the court that, following conduct of supplemental proceedings, plaintiff's application for disability insurance benefits was approved. By order dated April 6, 2005, the court entered judgment in favor of the plaintiff. Throughout the proceedings before this court, plaintiff was represented by Gary C. Hancock, Esq., of Pulaski, Virginia. Mr. Hancock has now petitioned the court for approval of a fee

of \$1,045.00 for services rendered before this court. The Commissioner has indicated that there are no objections to the proposed fee.

After consideration of the relevant factors, the court has concluded that a fee of \$1,045.00 provides proper and reasonable compensation for the legal services rendered in this case. In reaching this conclusion, the court has considered the quality of the attorney's services to the client, the input provided by plaintiff's attorney in this court's deliberations, and the time spent by Mr. Hancock in processing this appeal. Accordingly, a fee of \$1,045.00 is approved and authorized by the court for release, and it is so

ORDERED.

The Clerk is directed to send certified copies of this order to all counsel of record.

ENTER: This 15th day of May, 2005.



United States District Judge